APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/774,694	02/01/2001	Yuichi Higuchi	35.C15094	3090

5514 7590 01/18/2006		EXAMINER

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	EXAMINER
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ART UNIT	PAPER NUMBER
2157	

DATE MAILED: 01/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _September 30, 2005_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-8,21-28,41-48 and 74-79_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-8,21-28,41-48 and 74-79_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

This is a Final Office Action in response to Applicant's Amendment/Request for

Reconsideration filed on September 30, 3005. Claims 1-6, 8, 21-28, 41-48, 74 and 76-79 have

been amended. Claims 1-8, 21-28, 41-48 and 74, 76-79 are presented for further examination.

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims **1-8, 21-28, 41-48** and **74, 76-79** are rejected under 35 U.S.C. 103(a) as being

unpatentable over Shiohara (U.S. Pat. No. 6,804,019) in view of Aoki (U.S. Pat. No. 6,369,907)

As per claims **1, 21** and **41**, Shiohara discloses a server, which can communicate with a

device, comprising:

- first storage unit adapted to store information representing an ability of the device (col. 4, lines 9-18);

- second storage unit adapted to store information representing an ability of a device driver for the device (col. 4, lines 42-49); and

- retrieval condition reception unit adapted to receive a retrieval condition for selecting the device (col. 5, lines 66-67 and col. 6, lines 1-6).

However, Shiohara does not explicitly disclose:

- <u>a comparing unit adapted to compare the retrieval condition received by said retrieval condition unit with combined information, the combined information being a combination of the information stored by said first storage unit and the information stored by said second storage unit</u>; and

- <u>an output unit adapted to output a comparing result obtained by said comparing unit.</u>

Aoki discloses a network system that provides connecting a printer to one network including:

- <u>a comparing unit adapted to compare the retrieval condition received by said retrieval condition unit with combined information, the combined information being a combination of the information stored by said first storage unit and the information stored by said second storage unit</u> (col. 9, lines 13-35 and col. 15, lines 10-30); and

- <u>an output unit adapted to output a comparing result obtained by said comparing unit</u> (col. 9, lines 30-36 and lines 42-62) .

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Shiohara by combining the stored ability information of the printers together in order to allow the calculator processor to compute printer information based on the ability information in a timely and efficient manner.

As per claims **2, 22** and **42**, Shiohara further discloses:

- first reception <u>unit adapted to receive</u> the information representing the ability of the device (col. 4, lines 9-18); and

- second reception <u>unit adapted to receive</u> the information representing the ability of the device driver for the device (col. 4, lines 42-49).

As per claims **3**, **23** and **43**, Shiohara discloses the invention substantially as claims discussed above:

However, Shiohara does not explicitly disclose:

- a generation <u>unit adapted to generate the combined</u> information by <u>combining</u> the information <u>stored</u> by first <u>storage unit</u> and the information <u>stored</u> by said second <u>storage unit</u> together.

Aoki discloses a network system that provides connecting a printer to one network including:

- a generation <u>unit adapted to generate the combined</u> information by <u>combining</u> the information <u>stored</u> by first <u>storage unit</u> and the information <u>stored</u> by said second <u>storage unit</u> together (col. 9, lines 13-35 and col. 15, lines 10-30).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Shiohara by combining the stored ability information of the printers together in order to allow the calculator processor to compute printer information based on the ability information in a timely and efficient manner.

As per claims **4**, **24** and **44**, Shiohara further discloses:

- a <u>third storage unit adapted to store</u> the information generated by said generation means to a storage unit (col. 4, lines 19-29).

As per claims **5**, **25** and **45**, Shiohara discloses the invention substantially as claims discussed above.

However, Shiohara does not explicitly disclose:

- wherein said comparing unit compares the combined information stored by said third
  storage unit with the retrieval condition.

Aoki discloses a network system that provides connecting a printer to one network
including:

- wherein said comparing unit compares the combined information stored by said third
  storage unit with the retrieval condition (col. 9, lines 13-35 and col. 15, lines 10-30).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the
invention was made to modify Shiohara by combining the stored ability information of the
printers together in order to allow the calculator processor to compute printer information based
on the ability information in a timely and efficient manner.

As per claims **6, 26** and **46**, Shiohara discloses:

- wherein said output unit outputs an adaptivity based on the number of adapted
  conditions among the plural conditions included in the retrieval condition (col. 5, lines
  66-67 and col. 6, lines 1-6).

However, Shiohara does not explicitly disclose:

- wherein said comparing unit compares the information stored by said first storage unit
  and, the information stored by said second storage unit with each condition included in
  the retrieval condition.

Aoki discloses a network system that provides connecting a printer to one network
including:

- wherein said <u>comparing unit</u> compares the information <u>stored</u> by said first <u>storage unit</u> <u>and</u>, the information <u>stored</u> by said second <u>storage unit with</u> each condition included in <u>the</u> retrieval condition (col. 9, lines 13-35 and col. 15, lines 10-30).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Shiohara by combining the stored ability information of the printers together in order to allow the calculator processor to compute printer information based on the ability information in a timely and efficient manner.

As per claims **7, 27**, and **47**, Shiohara discloses:

- wherein the <u>first</u> information representing the ability of the device is information concerning any one of a duplex print, an N-up print, a job copy, a page copy, an OHP insertion print, a resolution, the number of print pages, a paper size, and a status of said device (col. 3, lines 1-3 and col. 5, lines 1-19).

As per claims **8, 28** and **48**, Shiohara discloses:

- wherein the <u>comparing</u> by said <u>comparing unit</u> is performed with respect to plural devices (col. 6, lines 15-24).

As per claims **74** and **75**, Shiohara discloses the invention substantially as claims discussed above.

However, Shiohara does not explicitly disclose:

- wherein said output <u>unit</u> outputs the <u>comparing</u> result in a form for discriminating the function executable by the device driver, as the result of the <u>comparing</u> by said <u>comparing unit</u>.

Aoki discloses a network system that provides connecting a printer to one network including:

- wherein said output <u>unit</u> outputs the <u>comparing</u> result in a form for discriminating the function executable by the device driver, as the result of the <u>comparing</u> by said <u>comparing unit</u> (col. 9, lines 13-35 and col. 15, lines 10-30).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Shiohara by combining the stored ability information of the printers together in order to allow the calculator processor to compute printer information based on the ability information in a timely and efficient manner.

As per claims **76** and **78**, Shiohara discloses:

- wherein said retrieving step includes retrieving the device for which at least one of the ability of <u>the</u> device and the ability of the device driver satisfies the retrieval condition (col. 5, lines 1-19).

As per claims **77** and **79**, Shiohara discloses the invention substantially as claims discussed above.

However, Shiohara does not explicitly disclose:

- wherein outputting step includes outputting the <u>comparing</u> result in a form for discriminating the function executable by the device driver, as the result of the <u>comparing</u> in said <u>comparing</u> step.

Aoki discloses a network system that provides connecting a printer to one network including:

- wherein outputting step includes outputting the <u>comparing</u> result in a form for

  discriminating the function executable by the device driver, as the result of the

  <u>comparing</u> in said <u>comparing</u> step (col. 9, lines 13-35 and col. 15, lines 10-30).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify Shiohara by combining the stored ability information of the

printers together in order to allow the calculator processor to compute printer information based

on the ability information in a timely and efficient manner.

Response to Arguments

3.   Applicant's arguments with respect to claims **1-8, 21-28, 41-48** and **74-79** have been

considered but are moot in view of the new ground(s) of rejection.

Conclusion

3.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to LaShonda T. Jacobs whose telephone number is 571-272-4004.

The examiner can normally be reached on 8:30 A.M.-5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LaShonda T Jacobs
Examiner
Art Unit 2157

ltj
January 5, 2006